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PASSED BY THE

# LIEUT.-GOVERNOR OF BENGAL IN COUNCIL

## IN THE YEAR 1894.

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# TITLES OF ACTS

PASSED BY THE

# LIEUT.-GOVERNOR OF BENGAL IN COUNCIL

IN THE

## YEAR 1894.

| | | |
|---|---|---|
| ACT I OF 1894. | An Act | to amend Bengal Act I of 1893. |
| ACT II OF 1894. | " | to amend the Calcutta Port Act, 1890. |
| ACT III OF 1894. | " | to give effect to an agreement made between the Corporation of Calcutta and the Calcutta Tramways Company, Limited. |
| ACT IV OF 1894. | " | to amend the Bengal Municipal Act, 1884. |
| ACT V OF 1894. | " | to remove doubts which have arisen in connection with the resettlement of land-revenue in temporarily-settled areas and to amend the Bengal Tenancy Act, 1885. |
| ACT VI OF 1894. | " | to amend Bengal Act IV of 1894. |

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IN THE

## YEAR 1894.


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A. C.—Reg. No. 3166J—2,000—4-11-95.

BENGAL SECRETARIAT

# ACT No. I OF 1894.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

*(Received the assent of the Lieutenant-Governor on the 26th February, 1894, and of the Governor General on the 14th March, 1894.)*

*An Act to amend Bengal Act I of 1893.*

Preamble

WHEREAS it is expedient to amend the Licensed Warehouse and Fire-Brigade Act, 1893; It is hereby enacted as follows:—

Title
Commencement.

1. This Act may be called the Licensed Warehouse and Fire-Brigade Amendment Act, 1894. It shall be read with, and taken as part of, Bengal Act I of 1893, and shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor General.

Amendment of section 5.

2. In section 5, for the words "is in existence at the commencement of this Act" the words "was in existence on the thirty-first day of March, 1893, or on the date of the commencement of this Act" shall be substituted.

Amendment of section 8.

3. In section 8, clause (2), for the words "as in that case made and provided" the words "in advance" shall be substituted.

New section to follow section 10.

4. After section 10, the following section shall be inserted:—

Fee payable from 28th June, 1893, to 31st March, 1894.

"10A. Anything in this Act notwithstanding, a fee in respect of a license shall be payable on the fifteenth day of March, 1894, in respect of every such building or place as is described in section five, by the owner or occupier thereof, for the period commencing on the twenty-eighth day of June, 1893, (the date on which this Act

*Price six pies.*

came into force), and ending on the thirty-first day of March, 1894, calculated on the basis of the annual fee which was payable in respect of warehouses under the provisions of section five of Bengal Act IV of 1883."

New section to follow section 46.

5. After section 46, the following section shall be inserted:—

Operation of section 46 suspended.

"46A. Anything in the last preceding section notwithstanding, the Commissioners are hereby authorised to levy fees under sections three hundred and forty-seven of the Calcutta Municipal Consolidation Act, 1888, and two hundred and sixty-one of the Bengal Municipal Act, 1884, as the case may be, up to the thirty-first day of March, 1894, and it is hereby declared that the repeal of the said sections, in so far as the power is withdrawn from the Commissioners of levying fees in respect of premises licensed as depôts for hay, straw, wood, rags, jute or other dangerously inflammable material which are licensed and used as warehouses under this Act, shall not take effect until the first day of April, 1894."

Amendment of Schedule.

6. In the schedule, for the words "*on the back of schedule*" the words "*on the back of the license*", and at the end thereof, for the words "(*here state annual or other dates for payment of license fee*)" the words "in advance" shall be substituted.



W. M. D'C.—Reg. No. 1003G—2,000—20-3-94

BENGAL SECRETARIAT LIBRARY

# ACT No. II of 1894.

## Passed by the Lieutenant-Governor of Bengal in Council.

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(*Received the assent of the Lieutenant-Governor on the* 31*st March*, 1894, *and of the Governor General on the same date.*)

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An Act to amend the Calcutta Port Act, 1890.

Preamble.

Whereas it is expedient to amend the Calcutta Port Act, 1890; It is hereby enacted as follows:—

Commencement of Act.

1. This Act shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor General.

Amendment of section 113.

2. In section one hundred and thirteen, sub-section (*1*) of the Calcutta Port Act, 1890, after the word "landing" the words "by them" shall be inserted.

*Price six pies.*

Reg. No. 17G—2,000—6-4-94.

BENGAL SECRETARIAT LIBRARY

# ACT No. III of 1894.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

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*(Received the assent of the Lieutenant-Governor on the 19th March, 1894, and of the Governor General on the 14th April, 1894.)*

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An Act to give effect to an agreement made between the Corporation of Calcutta and the Calcutta Tramways Company, Limited.

Preamble.

WHEREAS it is expedient to sanction and give effect to a memorandum of agreement made the second day of September, 1893, between the Corporation of Calcutta of the one part, and the Calcutta Tramways Company, Limited, of the other part, a copy whereof is set forth in the schedule to this Act; and whereas without the authority of the Legislature the said memorandum of agreement would be of no effect; It is hereby enacted as follows:—

Short title and commencement.

1. This Act may be called the Calcutta Tramways Act, 1894, and it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor General.

The agreement declared valid.

2. The memorandum of agreement, a copy whereof is set forth in the schedule of this Act, is hereby authorised, sanctioned and declared valid and binding upon the Corporation of Calcutta and upon the Calcutta Tramways Company, Limited, and its assignees.

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## SCHEDULE.

(*Referred to in section* 2.)

MEMORANDUM OF AGREEMENT made this second day of September 1893 BETWEEN THE CORPORATION OF CALCUTTA incorporated under Act II of 1888 of the

Lieutenant-Governor of Bengal in Council hereinafter called "the Corporation" of the one part and THE CALCUTTA TRAMWAYS COMPANY LIMITED a Company incorporated under the English Companies Acts having its Registered Office in England hereinafter called "the Company" of the other part WHEREAS the Corporation are the successors of the Corporation of the Town of Calcutta the parties of the first part to the annexed articles of agreement dated the 2nd day of October 1879 and the Company is the assignee of the rights and liabilities under the said articles of agreement of Dillwya Parish Alfred Parrish and Robinson Souttar the parties thereto of the other part AND WHEREAS under and by virtue of the 17th Clause of the said articles of agreement the present rent payable by the Company to the Corporation is calculated at the rate of Rs. 3,250 per annum per mile of double line and Rs. 2,250 per annum per mile of single line AND WHEREAS the said articles of agreement do not contain any express provision prohibiting the Company after the opening of any tramway from discontinuing the working of such Tramway AND WHEREAS the parties hereto have deemed it expedient and have mutually agreed subject to the sanction and authorization of their said agreement by an Act of the Bengal Legislature that the said articles of agreement should be varied or modified to the extent and in the manner hereinafter appearing NOW these PRESENTS WITNESS that subject to these presents being sanctioned and authorized by an Act of the Lieutenant-Governor of Bengal in Council to be hereafter passed for the purpose and in consideration of the said mutual agreement and of the covenants hereinafter contained and on the part of the Corporation and of the Company respectively to be observed and performed the Corporation do hereby covenant with the Company and its assigns and the Company for itself and its assigns doth hereby covenant with Corporation in manner following that is to say—

1. Subject as next hereinafter provided the rent payable by the Company to the Corporation from the 1st January 1894 to the 31st December 1900 being the end of the 21st year referred to in the said 17th clause of the said articles of agreement shall be

calculated and paid at the present rate namely at the rate of Rs. 3,250 per annum per mile of double line and Rs. 2,250 per annum per mile of single line anything in the said articles of agreement to the contrary notwithstanding. Provided nevertheless that a remission of fifteen thousand rupees a year shall be granted for five years with effect from 1894 subject to the condition that the dividends declared by the Company do not exceed three and-a-half per cent. per annum during that period.

2. The Company shall not during the period from 1st January 1894 to 31st December 1900 without the previous sanction of the Corporation discontinue the working of any of its tramways which now or hereafter may be opened for traffic.

W. M. D'C.—Reg. No. 131G—2,000—10-5-94.

SECRETARIAT

# ACT No. IV OF 1894.

## PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

*(Received the assent of the Lieutenant-Governor on the 5th May, 1894, and of the Governor General on the 8th August, 1894.*

An Act to amend the Bengal Municipal Act, 1884.

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*Price five annas.*

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# ACT No. IV of 1894.

*An Act to amend the Bengal Municipal Act,* 1884.

Whereas it is expedient to amend Bengal Act III of 1884; It is hereby enacted as follows:—

Construction and commencement.

1. This Act shall be read with, and taken as part of, Bengal Act III of 1884; and it shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor General.

Amendment of section 2.

2. (*1*) In section 2, after the words "commenced under this Act" the following shall be added, namely:—

"Notifications" defined.

"The expression 'notifications' as used in this section shall be deemed to include and to have always included all directions, declarations and orders given, or made, and published under any enactment referred to in this section:

Provided that nothing in this definition shall be deemed to affect any decision or order of a competent court made before the date on which this Act shall come into force."

(*2*) In the same section, for the fourth paragraph, the following shall be substituted:—

Saving clause.

"In every enactment passed before this Act comes into force in which reference is made to Bengal Act III of 1864, the District Municipal Improvement Act, or to any enactment hereby repealed, such reference shall, so far as may be practicable, be taken to be made to this Act or to its corresponding part or section."

New definition added to section 6.

3. In section 6, after the definition contained in clause (14), the following definition shall be inserted:—

"Sanitary Board."

"(14 A) 'Sanitary Board' means the persons for the time being appointed, either by name or by official designation, by the Local Government by notification in the *Calcutta Gazette* to constitute a Sanitary Board for Bengal."

New sections substituted for section 9.

4. For section 9, the following sections shall be substituted :—

Notification of intention to alter limits of municipality.

"9. The Local Government may, on the recommendation of the Commissioners at a meeting, by notification published in the *Calcutta Gazette*, and in such other manner as it may determine, declare its intention—

(*a*) to withdraw any municipality from the operation of this Act; or

(*b*) to exclude from a municipality any local area comprised therein and defined in the notification ; or

(*c*) to include within a municipality any local area contiguous to the same and defined in the notification ; or

(*d*) to subdivide any municipality into two or more municipalities ; or

(*e*) to alter the number of the Commissioners of a municipality :

And the Local Government may, on the recommendation of the Commissioners at a meeting of both or all the municipalities concerned, by notification similarly published, declare its intention to unite two or more municipalities so as to form one municipality :

Provided that no local area shall be included within a municipality unless the Local Government shall have been satisfied that three-fourths of the adult male population of such local area are chiefly employed in pursuits other than agriculture :

Provided also that whenever it shall appear, either from a general census or from special enquiries undertaken in this behalf, that any municipality does not comply with the conditions laid down in section ten, the Local Government may, of its own motion, declare its intention to withdraw such municipality from the provisions of this Act or to deal with it in the manner stated in this section :

Provided also that where the local area to be excluded or included is a cantonment or part of a cantonment, no notification affecting it shall be published under this section without the previous consent of the Governor General in Council.

Objection to proposed alteration may be submitted to Local Government.

"9A. (*1*) Any rate-payer of a municipality, inhabitant of a local area or, when the union of two or more municipalities has been recommended, the Commissioners of any one or more of such municipalities in respect of which a notification has been published under the last preceding section may, should he or they object to the alteration proposed, submit his or their objection in writing, through the District Magistrate to the Local Government within six weeks from the publication of the notification in the *Calcutta Gazette*, and the Local Government shall take such objection into consideration.

(*2*) When six weeks from the publication of the notification have expired and the Local Government has considered the objections (if any) which have been submitted under sub-section (*1*) of this section, the Local Government may, by notification, give effect to the proposed alteration or not, as the case may be.

Local Government may apportion and dispose of municipal property upon a subdivision or union of municipalities.

"9B. Whenever two or more municipalities are united, or a municipality is sub-divided, under the two last preceding sections, the Municipal Funds or Fund, and all property vested in the Commissioners of the municipalities or municipality concerned, shall be consolidated, or apportioned in such manner as the Local Government may direct."

Repeal of section 11 and 12.

5. Sections 11 and 12 are hereby repealed.

Amendment of section 14.

6. In section 14, in the second paragraph, after the word "appointed" the words "either by name or by official designation" shall be added.

Addition to section 15.

7. (*1*) In section 15, after the word "election," at the end of the first sentence, the words "and the authority who shall decide disputes

thereunder" shall be inserted, and after clause (2) of the proviso, the following shall be added:— "or

(3) being a person holding any office or employment carrying a salary of not less than fifty rupees per mensem,

(*a*) under a company registered under the English or Indian Companies Acts which has, during the year immediately preceding such election, paid in respect of any of the rates imposed by this Act an aggregate amount of not less than one hundred rupees, or

(*b*) under a joint-undivided family one of the members of which has during the aforesaid period paid in respect of any of the aforesaid rates an aggregate amount of not less than three rupees, or

(*c*) occupies a holding in respect of which there has been paid during the aforesaid period in respect of any of the aforesaid rates an aggregate amount of not less than three rupees:"

(*2*) At the end of the same section, the following shall be added, namely:—

"Provided that nothing contained in this section nor in any rules made under the authority of this Act shall be deemed to affect the jurisdiction of the Civil Courts.

"Rates" defined.

The term 'rates' in this section shall be deemed to include —

(*a*) the tax upon persons and the rate upon the annual value of holdings levied under section eighty-five;

(*b*) the tax on carriages and horses levied under Part IV;

(*c*) the water-rate on the annual value of holdings levied under Part VII;

(*d*) the lighting-rate on the annual value of holdings levied under Part VIII;

(*e*) the fee for the cleansing of privies and cess-pools levied under Part IX."

8. In section 17, in the first paragraph, after the words "by the Local Government" the words "either by name or by official designation" shall be added.

Amendment of section 17.

Repeal of section 18.

9. Section 18 is hereby repealed.

New section substituted for section 20.

10. For section 20, the following shall be substituted :—

Power to remove Commissioners.

"20. (*1*) The Commissioner of the Division may remove any Commissioner—

(*a*) if he refuses to act or becomes incapable of acting, or is declared insolvent, or is convicted of any non-bailable offence; or

(*b*) if he has been declared by notification to be disqualified for employment in the public service; or

(*c*) if he absents himself from six consecutive meetings of the Commissioners without having obtained permission from the Commissioners at a meeting; or

(*d*) if, in the judgment of the Commissioner of the Division to be recorded in writing, he has become disqualified to continue in office under section fifty-seven: Provided that any Commissioner so removed may appeal to the Local Government.

(*2*) All acts and proceedings of any Commissioner so removed shall, if done previously to such removal, be valid and effectual to all intents and purposes."

New section substituted for section 22.

11. For section 22, the following shall be substituted :—

"22. No Commissioner who has been removed from his office by the Local Government under section nineteen, or by the Commissioner of the Division under clauses (*a*) and (*b*) of sub-section (*1*) of section twenty, may be elected or re-elected a Commissioner without the consent of the Local Government."

Commissioner not to be elected or re-elected without consent of Local Government.

New section substituted for section 23.

12. For section 23, the following shall be substituted:—

Appointment of Chairman.

"23. (*1*) The Local Government shall appoint, either by name or by official designation, the Chairman of every municipality mentioned in the second schedule of this Act.

(*2*) The Commissioners of every municipality, the name of which is not included in the said schedule, shall, at a meeting, elect one of their number to be Chairman, or may, whenever a vacancy occurs, at a meeting attended by not less than two-thirds of the Commissioners, request the Local Government to appoint a Chairman, and such Chairman shall be appointed by name.

(*3*) The Local Government may at any time remove a Chairman appointed by it.

(*4*) The Local Government may at any time remove the name of any municipality from the said schedule.

(*5*) Whenever the name of any municipality is removed from the said schedule, the office of Chairman shall thereupon become vacant."

Amendment of section 24.

13. In section 24, in the second paragraph, before the word "Every" the words "Except as is otherwise provided in this Act" shall be inserted.

New section inserted after section 25.

14. After section 25, the following section shall be inserted:—

Term of office of Commissioners.

"25A. If a Chairman or a Commissioner is appointed by official designation, the person for the time being holding the office shall be a Chairman or a Commissioner, as the case may be."

Amendment of section 26.

15. In section 26, for the words "next subsequent appointment or election, not being an appointment or election under the next succeeding section," the words "first meeting of the body of Commissioners newly appointed and elected, at which a

quorum shall be present, and any Chairman elected under sections twenty-three or twenty-seven shall be competent to discharge the duties of his office after his election and pending the orders of the Local Government approving of his election" shall be substituted.

New section inserted after section 26.

16. After section 26 the following section shall be inserted:—

Resignation of Chairman and Vice-Chairman.

"26A. Notwithstanding anything contained in sections twenty-four, twenty-five and twenty-seven A, the Chairman and Vice-Chairman of every Municipality shall resign office at the first meeting of the Commissioners newly appointed and elected at which a quorum shall be present. The meeting shall thereupon proceed—

(*a*) to elect, or to request the Local Government to appoint, a Chairman, and

(*b*) to elect a Vice-Chairman:

Provided that if the Municipality is in the second schedule of this Act, or if the meeting decides to request the Local Government to appoint a Chairman, the resignation of the Chairman shall not take effect until a new Chairman is appointed."

New section inserted after section 26A.

17. After section 26A, the following section shall be inserted:—

Leave may be granted to Chairman or Vice-Chairman.

"26 B. The Commissioners at a meeting may grant leave of absence to their Chairman or Vice-Chairman for any period not exceeding three months in any one year."

Amendment of section 27.

18. In section 27, after the words "term of office" the words and letter "or shall avail himself of leave granted under section twenty-six B" shall be inserted, and after the word "death" the words "or absence on leave" shall be inserted; also at the end of the section the words "or during his absence on leave, as the case may be" shall be added.

New section inserted after section 27.

19. After section 27, the following section shall be inserted :—

Resignation of Chairman, Vice-Chairman or Commissioner.

"27A. (*1*) A Chairman of a municipality may resign by notifying in writing his intention to do so to the Local Government, and on such resignation being accepted, shall be deemed to have vacated his office.

(*2*) A Vice-Chairman or a Commissioner of a municipality may resign by notifying in writing his intention to do so to the Chairman, who shall forthwith lay such notice before the Commissioners at a meeting, and on such resignation being accepted by such Commissioners, shall be deemed to have vacated his office."

Addition to section 28.

20. In section 28, at the end thereof, the following shall be added :—

"And in the case of a salaried Chairman or Vice-Chairman, the Commissioners may grant such leave allowances as they may from time to time determine at a meeting :

Provided that the allowance so granted, together with the acting allowance, if any, of the officiating incumbent shall not exceed the salary fixed for the office."

New section inserted after section 29.

21. After section 29, the following section shall be inserted :—

Delegation of certain powers and functions of Local Government.

"29 A. (*1*) The powers and functions of the Local Government under sections thirty, two hundred and fifty-five, two hundred and fifty-nine, and three hundred and thirty-one, may be delegated by the Local Government to Commissioners of Divisions.

(*2*) In regard to powers or functions delegated to them under this section, Commissioners of Divisions shall have the same authority as the Local Government, and the delegation shall continue until revoked by the Local Government.

(*3*) A delegation under this section may be of all or any of the powers and functions aforesaid, and may be made generally in regard to all the municipalities within the Division of the

Commissioner, or it may be made particularly in regard to certain municipalities only.

(4) The delegation may be by name or by official designation, and shall in each case be notified in the *Calcutta Gazette.*"

Amendment of section 30.

22. In section 30, in the first line after the word "roads" the words "including the soil and all" shall be inserted, and in the second and third paragraphs of the same section, after the words "from the operation of this Act" the words "or of any specified section of this Act" shall be inserted.

New sections inserted after section 37.

23. After section 37, the following sections shall be inserted :—

Formation of Joint-Committees.

"37A. The Commissioners of any municipality may join with the Commissioners of any other one or more municipalities, or with any District Board or with any Cantonment authority, or with more than one such Board or Cantonment authority, in constituting out of their respective bodies a Joint-Committee consisting of not more than two members from each of such bodies for any purpose in which they are jointly interested, and in delegating to any such Joint-Committee any power which might be exercised by either or any of the municipal bodies, or District Boards, or Cantonment authorities concerned, and such Joint-Committee may from time to time frame rules as to the proceedings of any such Joint-Committee, and as to the conduct of correspondence relating to the purpose for which such Joint-Committee is constituted.

Voluntary introduction of a water-supply or system of drainage.

"37B. Whenever it appears expedient to the Commissioners of any municipality, or to the Commissioners of a municipality, acting conjointly with the Commissioners of any other municipality or municipalities, or with one or more of any of the local authorities specified in the last preceding section to provide a supply of water for domestic purposes, or to introduce a

system of drainage, they may cause to be prepared a scheme and estimates of the cost of the works necessary for the purpose, together with such plans and specifications of the same as may be necessary, and may submit the same to the Local Government through the Commissioner of the Division within which the area, or the larger portion of the area, which it is proposed to supply with water or to drain is situated.

Sanitary Board with a committee to consider and report on scheme.

"37C. The Local Government may refer such scheme, plans, specifications and estimates to the Sanitary Board, who in consultation with a committee consisting of one member to be appointed by the municipality or by each of the municipalities or other local authorities concerned, and one member to be appointed by the Commissioner of the Division within which the area, or the larger portion of the area, which it is proposed to supply with water or to drain is situated, shall consider the same and report thereon to the Local Government.

Local Government to sanction, modify or refer scheme.

"37D. The Local Government shall consider the report, together with the plans, specifications and estimates, and may thereupon:

(*a*) sanction the scheme, or

(*b*) add to, alter or modify the scheme, and sanction the same so added to, altered or modified, or

(*c*) add to, alter or modify the scheme and refer the same so added to, altered or modified together with the plans, specifications and estimates, to the Sanitary Board, who, in consultation with the said Committee, shall further consider the scheme so added to, altered or modified, and report thereon to the Local Government.

Distribution of costs of scheme.

"37E. (*1*) When the scheme recommended for sanction extends to two or more municipalities or other local areas, the Sanitary Board, acting in consultation with the committee, as constituted under section thirty-seven C, shall include in their report proposals for distributing the cost of the scheme, including its maintenance and

working expenses, between or among the local authorities benefitted.

(*2*) In the case of municipalities, such distribution shall be in proportion to the income derived by each from taxation, allowance being made for any difference in the degree of benefit conferred on each, such as, in the case of a water-supply scheme, the pressure at which the water is delivered, the facilities for procuring water, the distance from the head-works, and the like.

Approved scheme to be published.

"37F. (*1*) When the scheme has been approved by the Local Government, there shall be published in the *Calcutta Gazette*, and locally in accordance with the provisions of section three hundred and fifty-four, the following particulars :—

(*a*) a general description of the scheme;

(*b*) an estimate of the cost of carrying it out;

(*c*) an estimate of the cost of maintaining it;

(*d*) the source from which the cost will be met;

(*e*) the amount of the loan, if any, the annual instalments by which it will be repayable, and the number of years required to repay it;

and where several local authorities are concerned;

(*f*) the distribution of the loan;

and

(*2*) Where the scheme is for providing or improving the water-supply, the following additional particulars in respect of each municipality concerned :—

(*a*) the total annual charge to be incurred by reason of the water-supply and to be met by a water-rate;

(*b*) the percentage of such water-rate on the annual value of holdings;

(*c*) the average incidence of such water-rate per head of the population.

Sanction of scheme.

"37G. After the expiry of two months from the date of such publication, and after considering any objections or suggestions that may be submitted, the Local Government may sanction or reject the scheme

as published, or may refer it, with such suggestions as it may think fit, to the Sanitary Board, who, in consultation with the same committee as aforesaid, shall consider the scheme with a view to its amendment, and when the scheme shall have been so considered, it shall be forwarded to the Local Government, and the provisions of this and the last preceding section shall be applied.

Scheme to be carried out by municipalities.

"37H. When a scheme has been sanctioned by the Local Government under the last preceding section, the Commissioners of the municipality or municipalities, or the local authorities concerned shall, if the rate and other monies to be collected, received or recovered for or in respect of the water-supply or drainage system be sufficient for the purpose, proceed to carry it out, and where two or more municipalities or local authorities are concerned, a joint-committee may be formed for that purpose according to rules to be framed in this behalf by the Local Government.

Local Government may appoint an officer to execute the works.

"37I. The Local Government may order the works specified in any scheme, plans, specifications and estimates, or any portion thereof, to be executed by an officer to be appointed by it, and shall fix the remuneration of such officer, (provided that the cost of the scheme as sanctioned be not exceeded): and may specify a period within which the work shall be completed, and may extend such period from time to time as may be necessary.

Cost of the scheme to be advanced from the public funds.

"37J. The cost of making plans, specifications and estimates, and the travelling expenses incurred by the members of the committee in attending the meetings of the Sanitary Board for the consideration of the scheme, and the cost of carrying out the scheme if the same be proceeded with, may be advanced from the public funds on the security of the fund or funds of the municipality or municipalities or other local authority or authorities concerned, and shall be recoverable under the Loans Act, 1879, and all the provisions of that Act and the rules made

under it referring to the recovery of loans shall be applicable to such advances.

"37K. (*1*) When it appears to the Local Government that the Commissioners of any municipality or the Commissioners of a municipality, acting conjointly with the Commissioners of any other municipality or municipalities or with one or more of any other local authorities specified in section thirty-seven A, should be required to provide a supply of water for domestic purposes, or to introduce a system of drainage, it may call upon such Commissioners to show cause within a specified time why they should not be so required, and the Local Government shall consider any objections which may be submitted by the Commissioners, and if it considers such objections insufficient, it may, after publishing in the *Calcutta Gazette* a full statement of the reasons which have led to action being taken, by an order in writing, fix a time within which the Commissioners shall submit such a scheme, plans, specifications and estimates as are referred to in section thirty-seven B, in the manner therein provided:

Compulsory introduction of water-supply or system of drainage.

Provided that when the Commissioners of one municipality are required to show cause, as aforesaid, a resolution against the introduction of such scheme passed at a meeting specially convened for the purpose, in favour of which a majority of not less than two-thirds of the whole number of Commissioners shall have voted, or when the Commissioners of two or more municipalities are required to act conjointly with each other for that purpose, a similar resolution passed by the Joint-Committee constituted under section thirty-seven A, in favour of which a majority of not less than two-thirds of the total number of votes allotted to such municipalities and apportioned to each of them, according to their respective incomes shall have been recorded shall be final, and in either case no further action shall be taken by the Local Government under the provisions of this section.

(*2*) When the said order has been complied with, the provisions of sections thirty-seven C to thirty-seven J inclusive shall apply.

(*5*) If default is made in complying with the said order, the provisions of section sixty-four shall apply: Provided that in the case of a municipality mentioned in the first schedule and not required to act conjointly with any other municipality or local authority, if within two months from the date of the publication of the particulars of any such scheme in the *Calcutta Gazette* under section thirty-seven F, a petition is presented to the Local Government by a majority of not less than two-thirds of the registered rate-payers of a municipality objecting to the compulsory introduction of such scheme into such municipality, the Commissioners thereof shall not be compelled to carry out such scheme.

Part VII to apply to municipality with water-supply.

"37L. The provisions of Part VII shall apply to any municipality in which a water-supply shall have been provided.

Chairman not to exercise powers of Commissioners.

"37M. The powers conferred on the Commissioners by sections thirty-seven A to thirty-seven L inclusive shall not be exercised by the Chairman under section forty-four."

Addition to section 38.

24. To section 38 the following paragraph shall be added:—

Meeting not invalidated by non-service of notice.

"Accidental omission to serve notice of a meeting on any Commissioner shall not affect the validity of a meeting."

Amendment of section 46.

25. In section 46 after the word "Engineer" the word "or" shall be omitted, and after the words "Health Officer" the words "or Assessor" shall be inserted.

Amendment of section 57.

26. In section 57, in the first paragraph, the words "by himself or through others" shall be omitted, and for the words "made with the Commissioners" the words "of any kind whatsoever to which the Commissioners are a party or shall hold any office of profit under them" shall be substituted; after the words "such share or interest" the words "or shall hold such office" shall be

inserted, and after the word "rupees" the words "Provided that" shall be inserted.

New section substituted for section 58.

27. For section 58 the following shall be substituted :—

Commissioners disqualified from voting on certain questions.

"58. No Commissioner or member of a Ward Committee shall vote on any matter affecting his own conduct or pecuniary interest, or on any question which regards exclusively the assessment of himself, or the valuation of any property in respect of which he is directly or indirectly in any way interested, or of any property of or for which he is manager or agent, or his liability to any tax."

Amendment of section 59.

28. In section 59, in clause (*a*), after the words "section twenty-three" the words "or twenty-seven" shall be inserted.

New section inserted after section 66.

29. After section 66, the following section shall be inserted :—

Disputes.

"66 A. (*1*) If any dispute, for the decision of which this Act does not otherwise provide, arises between the Commissioners of two or more municipalities constituted under this Act, or between the Commissioners of any such municipality and a District Board, or Cantonment authority, the matter shall be referred—

(*a*) to the District Magistrate, if the local authorities concerned are in the same district; or

(*b*) to the Commissioner or Commissioners of the Division or Divisions, if the local authorities concerned are in different districts; or

(*c*) to the Local Government, if the local authorities concerned are in different Divisions and the Commissioners of those Divisions cannot agree.

(*2*) The decision of the authority to which any dispute is referred under this section shall be final.

(*3*) If, in the case mentioned in clause (*a*), the District Magistrate is a member of one of the local authorities concerned, his functions under this section shall be discharged by the Commissioner of the Division."

Amendment of section 68.

30. (*1*) In section 68, in the first line, before the words "The Commissioners" the words "Except as is otherwise provided in this Act" shall be inserted.

(*2*) In clause (*c*) of the same section, the word "and" shall be omitted, and after the word "treasury" the words "and towards the salary of any special officer who may be appointed under section eighty-two" shall be inserted.

(*3*) In the proviso to clause (*c*) of the same section, after the word and letter "clause (*c*)" the words "otherwise than as the salary of a special officer appointed under section eighty-two" shall be inserted.

Amendment of section 69.

31. In section 69, in the second paragraph, after the words "And may" the words "except as is otherwise provided in this Act, and" shall be inserted, and in clause (1) after the word "construction" the word "maintenance" shall be inserted, and after clause (8) the following clause shall be added :—

"(8 *a*) The establishment and maintenance of Benches for the trial of offences under this Act or any bye-laws made thereunder ;"

Amendment of section 76.

32. In section 76, the words "or sanction it after making such alterations therein as may seem to him fit" shall be omitted, and after the word "Division" and before the word "Provided" the following shall be inserted :—

"or if such modifications as may be recommended are not made, it shall be open to the Commissioner of the Division to make such alterations as may seem to him fit."

New section substituted for section 82.

33. For section 82, the following shall be substituted :—

Keeping of registers and submission of returns.

"82. (*1*) The Commissioners shall keep such registers, use such forms and submit such returns as the Local Government may from time to time prescribe.

(2) The municipal accounts shall be audited each year in such manner as the Local Government may direct:

Provided that if the officer appointed to make the yearly audit in any municipality shall report that the accounts are in such confusion that the financial position of the municipality cannot readily be ascertained, the Local Government may, by an order in writing, require the Commissioners to submit, within a time and to a person to be specified in such order, the accounts duly adjusted, and if the Commissioners fail to comply with such order, the Local Government may appoint a special officer to examine and report upon the accounts, and shall fix the salary of such special officer, which salary shall be paid from the Municipal Fund, unless the Local Government shall otherwise direct."

Local Government may appoint special officer to examine and report upon accounts.

34. In section 85, for the words "but not" the word "or" shall be substituted, in clause (*b*) the word "all" shall be omitted, after the words "the municipality of" and before the word "Dacca" the words "Howrah, Patna" shall be inserted, and the following proviso shall be added:—

Amendment of section 85.

"Provided that both the taxes shall not be in force at the same time in the same ward."

35. In section 86, in clause (*d*), for the word "six" the words "seven and-a-half," and for the word "five" the word "six" shall be substituted.

Amendment of section 86.

## *Of the Tax on Persons.*

36. In section 87, in the last paragraph, the words "of arable lands or" shall be omitted, and at the end thereof, the words "or in respect of the occupation of any public burial or burning ground registered under section two hundred and fifty-four" shall be inserted.

Amendment of section 87.

Amendment of section 89.

37. In section 89, for the word "is" after the word "which" the words "contains any building" shall be substituted; for the words "and used for the purposes of a public building" the words "~~of a railway administration~~ or of a local authority" shall be substituted, and at the end thereof the words "~~or the railway administration~~ or the local authority concerned" shall be inserted.

## *Of the Rate on Holdings.*

Amendment of section 97.

38. In section 97, for the word "three" the word "five" shall be substituted.

New section inserted after section 97.

39. After section 97, the following section shall be inserted:—

Effect of alteration of percentage.

"97A. If within the period prescribed in the last preceding section the percentage on the valuation of holdings at which the rate is to be levied is altered by the Commissioners under the provisions of section one hundred and two, the amount of the rate and the amount of the quarterly instalments thereof payable in each case shall be altered accordingly in the rating list, but the Commissioners shall not thereby be deemed to have made a new or revised assessment list."

Addition to section 98.

40. To section 98 the following paragraph shall be added:—

Exemption of charitable holdings from assessment.

"The Commissioners at a meeting may, with the sanction of the Local Government, exempt from assessment any holding used for purposes of public charity."

Amendment of section 99.

41. In section 99, after the words "authorized by them" the words "in writing" shall be inserted, and the following proviso shall be added:—

"Provided that where an Assessor is appointed, such Assessor shall not be competent to authorize any other person to enter, inspect and measure any such holding."

42. In section 101, in the second paragraph, after the words "Provided that" the words "except in the Darjeeling Municipality" shall be inserted.

Amendment of section 101.

43. Immediately before section 112, the following section shall be inserted:—

New section inserted before section 112.

"111A. If at any time it appears to the Local Government, on the report of the Commissioner of the Division, that the assessment in any municipality is insufficient or inequitable, and if the Commissioners have not appointed an Assessor under section forty-six, the Local Government may, by an order in writing, require the Commissioners of such municipality to revise and amend such assessment, or to show cause against such order within a time to be specified therein; and if the Commissioners fail to comply with such order or if, in the opinion of the Local Government, the revised and amended assessment is insufficient or inequitable, the Local Government may, by an order in writing, require the Commissioners to appoint an Assessor of municipal taxes for such municipality, within a time and for a period to be specified in such order, and such Assessor shall exercise all the powers of assessment except under sections one hundred and thirteen, one hundred and fourteen, and one hundred and fifteen, vested by this Act in the Commissioners. Such order shall fix the pay of the Assessor and the cost of his establishment, and such pay and cost shall be paid monthly by the Commissioners."

Appointment of Assessor of municipal taxes.

44. To section 113, the following paragraph shall be added:—

Addition to section 113.

"When an Assessor has been appointed under section one hundred and eleven A, notice of every such application shall be given by the Commissioners to the Assessor."

45. In section 114, for the word "Chairman" the words "Commissioners at a meeting" shall be substituted, and after the word "after" the words "taking such evidence and" shall be inserted.

Amendment of section 114.

46. In section 116, the words "nor shall the liability of any person to be assessed or rated be questioned" and the words "or by any other authority" shall be omitted.

Amendment of section 116.

47. In section 121, for the last paragraph, the following shall be substituted :—

Amendment of section 121.

"Provided that when the holding in respect of which the default is committed is a place of business, and the moveable property distrained is shown to the satisfaction of the Commissioners to have been left there for repairs or safe custody in the ordinary course of business, it shall be released :

Provided also that if the said property or any part thereof belong to any person other than the defaulter, the defaulter shall be liable to indemnify the owner thereof for any damage he may sustain by reason of such distress, or by reason of any payment he may make to avoid such distress or any sale under the same."

48. To section 125 the following paragraph shall be added :—

Addition to section 125.

"Whoever (not being a public servant within the meaning of section twenty-one of the Indian Penal Code) contravenes the provisions of this section shall be punished with simple imprisonment for a term which may extend to two months, or with fine, or with both."

Penalty.

49. In section 127, for the words "goods or chattels" the words "moveable property" shall be substituted, for the word "personal" wherever the same occurs, the word "moveable" shall be substituted, and for the word "whatsoever" the words "exercising jurisdiction within the territories administered by the Lieutenant-Governor of Bengal" shall be substituted.

Amendment of section 127.

50. After section 141, the following section shall be inserted :—

New section inserted after section 141.

"141A. Nothing in sections one hundred and thirty-one to one hundred and forty-one shall be deemed to authorise the levy of more than

Prohibition of double fee for carriages.

one fee for the same period in respect of any carriage, horse, or other animal which is kept or used in more than one municipality or cantonment."

Omission from section 142.

51. In section 142, in clause (*c*), the words "or the Suburbs of Calcutta" shall be omitted.

New section inserted after section 147.

52. After section 147 the following section shall be inserted:—

Prohibition of double fee for registration of carts.

"147A. Nothing in sections one hundred and forty-two to one hundred and forty-seven shall be deemed to authorise the levy of more than one fee for the same period in respect of any cart which is habitually used in more than one municipality or cantonment."

Amendment of section 186.

53. In section 186, after the word "required" the words "by them" shall be inserted.

Amendment of section 187.

54. In section 187, after the word "remove" and before the word "offensive" the words "sewage and" shall be inserted.

Amendment of section 199.

55. In section 199, after the word "convenient" the word "wells" shall be inserted, and for the last paragraph, the following shall be substituted:—

"The Commissioners may, by an order published at such places as they may think fit, prohibit in the private portion of any stream or channel used as a part of the public water-supply, bathing, washing of clothes or animals or any act likely to pollute the water in the public portion of such stream or channel."

New section inserted after section 199.

56. After section 199, the following section shall be inserted:—

Prohibition by Commissioners of use of unwholesome water.

"199A. If the Chief Civil Medical Officer of the district certifies that the water in any well, tank, or other place situated within a municipality is likely, if used for drinking, to engender or cause the spread of any dangerous disease, the Commissioners

may, by public notice, prohibit the removal or use of such water for drinking during a period to be specified in such order."

New section substituted for section 200.

57. For section 200, the following shall be substituted:—

Power to require unwholesome tanks or private premises to be cleansed or drained.

"200. (1) The Commissioners may require the owner or occupier of any land within eight days, or such longer period as the Commissioners may fix, either to re-excavate or fill up with suitable material, at his option, or to cleanse any well, water-course, private tank or pool therein, and to drain off and remove any waste or stagnant water which may appear to be injurious to health or offensive to the neighbourhood:

Provided that if, for the purpose of effecting any drainage under this section, it shall be necessary to acquire any land not being the property of the person who is required to drain his land or to pay compensation to any other person, the Commissioners shall provide such land and pay such compensation.

Commissioners may retain possession of tank or pool until expenses for re-excavation, &c., are realized.

(2) If under section one hundred and eighty the Commissioners execute the work of such re-excavation or filling up with suitable material, they may retain possession of the tank or pool, or the site of such tank or pool, and turn the same to profitable account until the expenses thereby incurred shall have been realized."

New section substituted for section 208.

58. For section 208, the following section shall be substituted:—

Commissioners may require land-holders to trim hedges, &c.

"208. The Commissioners may require the owner or occupier of any land within three days to trim or prune the hedges thereon bordering on any road, and to cut and trim any trees thereon overhanging any road or tank or any well used for drinking purposes, or obstructing any road or causing or likely to cause damage to any road or any property of the Commissioners or likely to cause damage to any person using any road, or fouling or likely to foul the water of any well or tank."

New section substituted for section 210.

59. For section 210, the following section shall be substituted :—

Fencing of buildings in a dangerous state.

"210. If any building, or portion of a building, or structure affixed to a building, be deemed by the Commissioners to be in a ruinous state and dangerous to the inmates, if any, of such building or of any other building or to passers-by, or if any wall or other structure be deemed by the Commissioners to be in a ruinous state and dangerous to passers-by or to any other persons, they shall forthwith, if it appears to them necessary, cause a proper hoard or fence to be put up for the protection of passers-by or of other persons who may be endangered, and may require the owner or occupier of the building or the owner or occupier of the land to which such building, wall or other structure is affixed, within seven days, to take down, secure or repair such building, wall or other structure, as the case may require."

New section inserted after section 210.

60. After section 210, the following section shall be inserted :—

Commissioners may require owners to pull down ruins.

"210 A. Whenever it appears to the Commissioners that any building, by reason of being unsecured and untenanted, or by reason of having fallen into ruins, affords facilities for the commission of a nuisance or for the harbouring of snakes or other noxious animals, the Commissioners may require the owner of such building or the owner of the land to which such building is attached, to properly secure the same, or to remove or level such ruins, as the case may require."

Amendment of section 212.

61. In section 212, after the word "section" the words "one hundred and seventy-five and" shall be inserted.

Amendment of section 217.

62. In section 217, in clause (4), after the words "one hundred and ninety-nine" the words and letter "or one hundred and ninety-nine A" shall be inserted.

63. In section 218, after the words "two hundred and four" the words "two hundred and six, two hundred and seven" shall be inserted.

Amendment of section 218.

64. In section 219, after the words "two hundred and ten" the words and letter "two hundred and ten A" shall be inserted.

Amendment of section 219.

65. To section 220 the following proviso shall be added:—

Addition of proviso to section 220.

"Provided that, except as is otherwise provided by this Act, in the case of any municipality to which all the provisions of any one of the Parts VII, VIII or IX of the Bengal Municipal Act, 1876, may have been extended, and provided that such provisions were still in force in such municipality immediately before the commencement of this Act; all the provisions of the corresponding Part of this Act, namely, of Parts VI, XI or X respectively, shall be, and shall be deemed to have always been, in force in such municipality without such provisions being expressly extended thereto."

Saving clause.

66. After section 223 the following section shall be inserted:—

New section inserted after section 223.

*Of a Survey.*

"223A. The Commissioners at a meeting may order that a survey shall be made of the lands situated in the municipality, and thereupon all the provisions of the Calcutta Survey Act, 1887, shall, so far as may be practicable, apply and be extended to such municipality."

Survey of a municipality.

67. In section 236, after the words "meeting may," the words "by an order published in the manner prescribed in section three hundred and fifty-four" shall be inserted.

Amendment of section 236.

68. For sections 237 to 241, the following sections shall be substituted:—

New sections substituted for sections 237 to 241.

"237. (*1*) Every person who intends to erect or re-erect any house, not being a hut, shall give notice in writing of his intention to the Commissioners, and shall accompany such notice

Notice of erecting a house not being a hut.

with a general description of the building which he intends to erect, and of the provision he intends to make in respect of drainage and latrine accommodation, and the Commissioners may, within six weeks after the receipt of such notice, either refuse to sanction the said building or may sanction the said building either absolutely or subject to any written directions which the Commissioners may deem fit to issue in accordance with the rules, if any, made under section two hundred and forty-one:

Provided that the Commissioners shall make full compensation to the owner for any damage which he may sustain in consequence of the prohibition of the re-erection of any house, or of their requiring any land belonging to him to be added to the street.

(*2*) Any person giving notice to the Commissioners under this section shall, if required to do so by any rule, forward with his notice a plan and specification of the house, not being a hut, which he intends to erect or re-erect, together with a site plan of the land of such character, and with such details as the rule may require; and no notice under this section shall be valid until such plans and specification have been supplied.

Commissioners may order a house not being a hut erected without notice, etc., to be altered or demolished.

"238. (*1*) Should any person commence to erect or re-erect such house, not being a hut, without giving notice, or without submitting such plans and specification as aforesaid, or in contravention of any legal order of the Commissioners issued within six weeks of receipt of a valid notice under the last preceding section, the Commissioners may, by notice, to be delivered within fifteen days, require the building to be altered or demolished, as they may deem necessary.

(*2*) Should the Commissioners neglect or omit for six weeks after the receipt of a valid notice under the last preceding section to make and deliver to the person who has given such notice any order in respect thereof, they shall be deemed to have sanctioned the proposed house absolutely:

Provided that no rule under section two hundred and forty-one and no legal order shall be held to have been contravened

by anything done in accordance with plans and specifications forwarded to the Commissioners under section two hundred and thirty-seven and not objected to by them.

Sanction available for one year only.

"239. Every sanction for the erection or re-erection of any house, not being a hut, which shall be given or deemed to be given by the Commissioners, shall be available for one year from the date on which the notice shall have become valid and complete, and no longer; and should the house so sanctioned not have been begun by the person who has obtained such sanction, or some one lawfully claiming under him within such year, it shall not be begun without fresh sanction, but such person as aforesaid may at any subsequent time give fresh notice to the Commissioners in the manner hereinbefore prescribed, and thereupon the provisions hereinbefore contained shall apply to such notice.

Definition of expression "erect or re-erect any house, not being a hut."

"240. The expression 'erect or re-erect any house, not being a hut' as used in the two last preceding sections includes:—

(*a*) any material alteration or enlargement of any building;

(*b*) such alterations of the internal arrangements of a house as effect an alteration of its drainage or sanitary arrangements, or affect its stability.

Power of the Commissioners to make rules as to mode of construction of houses not being huts.

"241. (*1*) The Commissioners at a meeting may from time to time make, repeal or alter rules to regulate the erection or re-erection of houses, not being huts, within the municipality in respect of all or any of the following matters:—

(*a*) the materials and method of construction to be used for external and party walls, roofs, floors, fireplaces and chimneys;

(*b*) the provision, position and ventilation of drains, privies and cess-pools;

(*c*) the free passage or way in front of the house;

(*d*) the space to be left about the house to secure free circulation of air and facilitate scavengering, and for the prevention of fire;

(*e*) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;

(*f*) the level and width of the foundation, the level of the lowest floor and the stability of the structure;

(*g*) the number and height of the storeys of which the house may consist;

(*h*) the means to be provided for egress from the house in case of fire;

(*i*) the line of frontage with neighbouring houses if the house abuts on a street:

(*2*) Rules under this section, not inconsistent with the Act, shall be subject to the sanction of the Local Government, and shall, if sanctioned, be published in such manner as the Local Government may direct, and shall have the force of law.

(*3*) If in and during the erection or re-erection of any house, any rule under this section is contravened, the Commissioners may by notice to be delivered within fifteen days require the building to be altered, or, if necessary, demolished within the space of thirty days, so as to secure conformity to such rule.

(*4*) This section shall not take effect in a municipality until it has been specially extended thereto by the Local Government at the request of the Commissioners at a meeting."

New section substituted for section 242.

69. For section 242, the following section shall be substituted:—

Commissioners may prohibit letting of unstable or ill-drained house.

"242. The Commissioners may prohibit the owner of any house, not being a hut, from letting it for occupation, if in their opinion it is unstable, or if the drainage or latrine accommodation of such house is in their opinion defective, until its stability shall have been secured or such defects in drainage or latrine accommodation shall have been made good to their satisfaction."

New section inserted after section 242.

70. After section 242, the following section shall be inserted :—

Appeals from orders of Commissioners.

"242 A. (*1*) Any person aggrieved —

(*a*) by the prohibition by the Commissioners under section two hundred and thirty-seven of the erection or re-erection of a house, not being a hut, or

(*b*) by a notice from the Commissioners under section two hundred and thirty-eight or sub-section (*3*) of section two hundred and forty-one requiring the alteration or demolition of a building, or

(*c*) by any order made by the Commissioners under the powers conferred upon them by section two hundred and forty-two,

may appeal within thirty days from the date of such prohibition, notice or order, to the Commissioners, and every such appeal shall be heard and determined by not less than three Commissioners, who shall be appointed in that behalf by the Commissioners at a meeting, and no such prohibition, notice or order shall be liable to be called in question otherwise than by such appeal.

(*2*) The appellate authority may, for sufficient cause, extend the period allowed by sub-section (*1*) of this section for appeal.

(*3*) The order of the appellate authority confirming, setting aside or modifying the prohibition, notice or order appealed from shall be final :

Provided that the prohibition, notice or order shall not be modified or set aside until the appellant and the Commissioners have had reasonable opportunity of being heard."

Amendment of section 243.

71. In section 243, after the word "without" the words "one month's" shall be inserted, after the words "front of" the words "each line" shall be inserted, and for the words "each line" the words "every two lines" shall be substituted.

New sections inserted after section 256.

72. After section 256, the following sections shall be inserted :—

Private burial-places may be excepted.

"256 A. When notice is given of the intention to close any burial-ground under the last preceding section, private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the Commissioners at a meeting may impose in this behalf:

Provided that the limits of such burial-places are defined, and that they shall only be used for the burial of members of the family of the owners thereof.

Appeals from orders under sections 256 and 256A.

"256 B. Any person aggrieved by any order made by the Commissioners under the powers conferred upon them by the two last preceding sections may appeal to the Magistrate, whose decision shall be final."

New section inserted after section 260.

73. After section 260, the following section shall be inserted :—

Power to license fuel shops at burning-grounds.

"260 A. (*1*) The Commissioners may, from time to time, grant licenses to persons applying for the same, for the sale at burning grounds of fuel and other articles used for the cremation of dead bodies, and in case any such license shall be granted shall, at a meeting, prescribe a scale of rates for the sale of such articles; and any person not so licensed, who shall, within three hundred yards of any such burning ground, sell or offer for sale any such fuel or other articles, shall be liable to a fine not exceeding fifty rupees.

(*2*) The Commissioners may, on good and sufficient cause, revoke or withdraw any such license they may think fit, and any person to whom any such license is granted, who shall charge for the sale of any such article any higher rate than the rate fixed for such article in such scale, shall, at the discretion of the Commissioners, be liable to have his license cancelled, and shall be liable also to a fine not exceeding ten rupees."

Amendment of section 261.

74. (*1*) In section 261, after the words "as a shop for the sale of meat" the words "as a place for the storage of rags or bones or both;" shall be inserted.

(*2*) For the last paragraph of the same section, the following shall be substituted :—

"The Commissioners at a meeting may, in accordance with a scale of fees to be approved by the Commissioner of the Division, levy a fee in respect of any such license and the renewal thereof, and may impose such conditions upon the grant of any such license as they may think necessary."

Addition of proviso to section 262.

75. To section 262 the following proviso shall be added :—

"Provided that in this case the Commissioners shall refund so much of the fee levied under the last preceding section as may be proportionate to the unexpired portion of the year for which the license was granted."

New section inserted after section 262.

76. After section 262, the following section shall be inserted :—

Commissioners may prohibit private kilns.

"262A. Within such local limits as may be fixed by the Commissioners at a meeting, no place shall be used as a kiln for making bricks, pottery, tiles or lime for private purposes."

Amendment of section 263.

77. In section 263, the words "exceeding ten in number" shall be omitted.

Amendment of section 270.

78. In section 270, after clause (4), the following shall be added :—

Making a roof or wall of grass, &c.

"or

(5) makes or repairs a roof or wall with grass, leaves, mats or other in flammable material in contravention of the provisions of section two hundred and thirty-six."

Amendment of section 271.

79. In section 271, after the word "sections" the words "two hundred and twenty-four" shall be inserted; after the words "two hundred and twenty-five" the words "two hundred and twenty-seven" shall be inserted, and for the words "or two hundred and thirty-one" the words "two hundred and thirty-one or two hundred and thirty-eight" shall be substituted.

Amendment of section 273.

80. In section 273, in clause (1), before the words "or two hundred and forty-one" the words "two hundred and thirty-eight" shall be inserted, and in clause (2) the following shall be added:—

"uses any place as a kiln in contravention of the provisions of section two hundred and sixty-two A; or"

New section substituted for section 279.

81. For section 279, the following shall be substituted:—

Imposition of water-rate.

"279. (*1*) In any municipality to which the provisions of this Part shall be extended in the manner prescribed by section two hundred and twenty-two, it shall be lawful for the Commissioners at a meeting to impose a water-rate not exceeding seven and-a-half per centum on the annual value of holdings when the houses and lands are situated in any road supplied with water, and not exceeding six per centum when the house and lands are situated in any road not so supplied.

(*2*) In fixing the amount of the rate, regard shall be had to the principle that the total net proceeds of the tax, together with the estimated income from payments for water supplied from the works under special contract or otherwise, shall not exceed the amount required for carrying out the purposes of this Part.

(*3*) The water-rate shall be paid by the occupiers of the holdings by quarterly instalments in advance:

Provided that such water-rate shall not belevied upon—

(*a*) any house or land, no part of which is within a radius to be fixed by the Local Government for each

municipality from the nearest standpipe or other supply of water available to the public; or

(*b*) any land used exclusively for purposes of agriculture:

Provided also that nothing in this section shall prevent the Commissioners from making any special arrangement consistent with this Act with persons residing beyond the radius fixed by the Local Government."

New section substituted for section 290.

82. For section 290, the following shall be substituted:—

Communication-pipes.

"290. Whenever the Commissioners deem it practicable and consistent with the maintenance of an efficient water-supply, they may at a meeting and subject to such rules and conditions as the Local Government may make and impose, allow the owners and occupiers paying the water-rate hereinbefore mentioned to lay down communication-pipes from the service-pipes of the Commissioners, for the purpose of leading water to their premises for domestic purposes."

Omission from section 294.

83. In section 294, the words "through a meter" shall be omitted.

Amendment of section 307.

84. In section 307, after the words "maintaining the water-works" the words "in the payment of such a proportionate share of the cost of collection and of general supervison as the Commissioners in meeting may from time to time direct" shall be inserted.

New section inserted after section 318.

85. After section 318, the following section shall be inserted:—

Application of rates and moneys received for lighting.

"318A. The lighting rate and all the moneys collected, received or recovered for, or in respect of, lighting or the execution of works, and all fines connected therewith, or in any respect relating to lighting, shall be applied by the Commissioners in defraying the expenses of making, extending or maintaining the lighting system, in the payment of such a proportionate share of the cost of collection and of general supervision as the Commissioners in meeting may from time to time direct, in paying the

interest of money borrowed for lighting and in the liquidation of debts incurred in connection therewith, or for some other purposes connected with lighting."

*The Cleansing of Private Privies and Cess-pools.*

Amendment of section 320.

86. In section 320, the words "public and" shall be omitted, and for the word "latrines" the words "privies and cess-pools" shall be substituted.

Amendment of section 321.

87. In section 321, in the first paragraph, after the word "holdings" the words "containing dwelling-houses" shall be inserted.

New section substituted for section 322.

88. For section 322, the following section shall be substituted :—

Recovery of fees.

"322. (*1*) The said fee shall be payable in quarterly instalments by the occupier for the time being of the holding or by the owner thereof if there is no occupier, or under the provisions of the next succeeding section, and shall be recoverable in the manner prescribed for the recovery of the rate on the value of holdings in this Act, and the provisions of section one hundred and ten shall be applicable.

(*2*) Every instalment of the said fee shall be deemed to be due on the first day of the quarter in respect of which such instalment is payable.

(*3*) The proceeds of the said fees shall be applied to the maintenance of the said establishment, and generally to carrying out the provisions of this Part.

(*4*) A list of the said fees, and of the persons liable to pay the same, shall be published once in every year as prescribed in section three hundred and fifty-four: Provided that no such fee shall be levied in respect of any shop or place of business which does not contain any privies or cess-pools, when a fee under this Part is levied from the occupier thereof in respect of his dwelling-house within the same municipality."

Repeal of sections 327 and 328.

89. Sections 327 and 328 are hereby repealed.

New section inserted after section 334.

90. After section 334, the following section shall be inserted :—

Exemption of jails, &c.

"334A. The provisions of this Part shall not apply to any jail, reformatory or lunatic asylum in which an establishment is maintained for the cleansing of privies and cess-pools therein."

Amendment of section 339.

91. In section 339, after the word "Commissioners" the words "shall, as regards markets lawfully established at the time of the extension of this Part to the municipality, and in all other cases" shall be inserted.

New sections inserted after section 349.

92. After section 349, the following sections shall be inserted :—

"PART XIA.—*Extinction and Prevention of Fire.*

Establishment and maintenance of fire-brigade.

"349 A. For the prevention and extinction of fire, the Commissioners at a meeting may resolve to establish and maintain a fire-brigade and to provide any implements, machinery, or means of communicating intelligence which the Commissioners may think necessary for the efficient discharge of their duties by the brigade.

Power of fire-brigade and other persons for suppression of fires.

"349B. (*1*) On the occasion of a fire in a municipality, any Magistrate, any Municipal Commissioner, the Secretary to the Commissioners, any member of a fire-brigade maintained by the Commissioners, then and there directing the operations of men belonging to the brigade, and (if directed so to do by a Magistrate or by a Municipal Commissioner) any police officer above the rank of constable may—

(*a*) remove or order the removal of any person who by his presence interferes with or impedes the operations for extinguishing the fire, or for saving life or property ;

(*b*) close any street or passage in or near which any fire is burning ;

(*c*) for the purpose of extinguishing the fire, break into or through, or pull down, or use for the passage of any hose or other appliance, any premises;

(*d*) cause mains and pipes to be shut off so as to give greater pressure of water in the place where the fire has occurred;

(*e*) call on the persons in charge of any fire-engine to render such assistance as may be possible;

(*f*) generally take such measures as may appear necessary for the preservation of life or property:

(2) No person shall be liable to pay damages for any act done by him under sub-section (1) of this section in good faith."

Amendment of section 350.

93. In section 350, for the words "giving effect to the objects of this Act" the following shall be substituted:—

"(*a*) regulating traffic, and for the prevention of obstructions and encroachments, and of nuisances on or near roads;

(*b*) regulating the use of, and the prevention of nuisances in regard to, public water-supply, bathing and washing places, streams, channels, tanks and wells;

(*c*) regulating the disposal of sewage, offensive matter, carcasses of animals and rubbish, and the management of privies, drains, cess-pools and sewers;

(*d*) regulating cremations and burials and the disposal of corpses;

(*e*) preventing nuisances affecting the public health, safety or convenience, and

(*f*) giving effect to the objects of this Act."

New section inserted after section 350.

94. After section 350, the following section shall be inserted:—

Additional power to make bye-laws in hill-municipalities.

"350A. The Commissioners of a municipality, wholly or in part situated in a hilly tract, may at a meeting, in addition to such bye-laws as they may make under the last preceding section, make, repeal or alter bye-laws:—

For regulating or prohibiting the cutting or destroying of trees or shrubs, or the making of excavations or removal of soil or quarrying, where such regulation or prohibition appears to the Commissioners to be necessary for any or all of the following purposes:—

(*a*) the maintenance of a water-supply;

(*b*) the preservation of the soil;

(*c*) the prevention of landslips;

(*d*) the formation of ravines or torrents;

(*e*) the protection of land against erosion or the deposit thereon of sand, gravel or stones."

Amendment of section 351.

95. In section 351, the last paragraph shall be omitted, and at the end thereof the following paragraph shall be added:—

Local Government may cancel its confirmation of any bye-law.

"The Local Government may cancel its confirmation of any such bye-law, and thereupon the bye-law shall cease to have effect."

New section inserted after section 351.

96. After section 351, the following section shall be inserted:—

Power to make rules as to business and affairs.

"351 A. (*1*) The Commissioners at a meeting may from time to time make, repeal or alter rules as to—

(*a*) the time and place of their meetings, the business to be transacted at meetings, and the manner in which notice of meetings shall be given;

(*b*) the conduct of proceedings at meetings, the due record of all dissents and discussions, and the adjournment of meetings;

(*c*) the custody of the common seal;

(*d*) the division of duties among the Commissioners, and the powers to be exercised by sub-committees or members to whom particular duties are assigned;

(*e*) the persons by whom receipts shall be granted for money received under this Act;

(*f*) the duties, appointment, leave, suspension and removal of the officers and servants of the Board;

(*g*) and other similar matters:

(*2*) Rules made under this section, consistent with this Act, shall be subject to the sanction of the Local Government, and shall, if sanctioned, be published in such manner as the Local Government may direct, and shall have the force of law."

Amendment of section 353.

97. In section 353, for the word "three," each time it occurs, the word "six" shall be substituted.

Addition to section 365.

98. In section 365, after the word "Act" the words "or any bye-law made in pursuance thereof" shall be inserted, and at the end thereof the following words shall be added:—

"Upon the recommendation of the Commissioners any servant of the Commissioners in receipt of a salary of not less than ten rupees per mensem, when empowered in that behalf by a general or special order of the District Magistrate, may exercise the powers of a police officer under this section."

Addition to Schedule V.

99. In the Fifth Schedule after the words and figures:—

| | Rs. | A. |
|---|---|---|
| "For every 4-wheeled carriage drawn by one horse or a pair of ponies under thirteen hands ... ... | 3 | 0" |

the words and figures following shall be inserted:—

| | | |
|---|---|---|
| "For every 4-wheeled carriage drawn by one pony under thirteen hands ... | 2 | 8" |

W. S.—Reg. No. 524G—2,000—15-9-94.

BENGAL SECRETARIAT LIBRARY

# ACT No. V OF 1894.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

*(Received the assent of the Lieutenant-Governor on the 20th July, 1894, and of the Governor General on the 22nd August, 1894.)*

An Act to remove doubts which have arisen in connection with the resettlement of land-revenue in temporarily-settled areas and to amend the Bengal Tenancy Act, 1885.

WHEREAS doubts have arisen as to the date from which proceedings, with a view to the resettlement of land-revenue in temporarily-settled areas or rents in Government estates, may be undertaken, and as to the date from which it may be said that a settlement of land-revenue is being made, and it is expedient that such doubts should be removed;

And whereas it is expedient to amend the Bengal Tenancy Act, 1885;

It is hereby enacted as follows:—

Amendment of section 101(2)(*d*) of Act VIII of 1885.

1. In section 101, sub-section (2), clause (*d*), of the Bengal Tenancy Act, after the word "revenue" the words "is to be or" are to be inserted.

Amendment of section 110.

2. In section 110, at the end thereof, the following shall be added:—

"Provided that in any local area declared to be under settlement of land-revenue by a notification under section 101, sub-section (2), clause (*d*), every fair and equitable rent settled by a Revenue officer under section 104, sub-section (2), or revised under the proviso following, before the date upon which the new settlement of land-revenue comes into force, shall take effect from that date:

Provided also that, at any time between the publication of the record under section 105, sub-section (2), and the date upon which the new settlement of land-revenue comes into force, it shall be open to either landlord or tenant to apply, on the ground

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of special circumstances having occurred since the publication of the record, for revision of the rents settled, and a Revenue officer, whom Government may designate for the purpose, shall take such applications into consideration and make such revision of rents as may appear to be fair and equitable, and shall then make such corrections in the record as may be rendered necessary by such revision.

The provisions of Chapter X of the Bengal Tenancy Act shall apply to such revision of rents and such corrections in the record.

*Explanation*—A settlement of land-revenue includes a settlement of rents in a Government estate.

Saving of existing notifications.

3. Any notification or orders made, or purporting to have been made, under any law now in force, by the Local Government, directing that a survey be made or a record-of-rights be prepared by a Revenue officer in respect of the lands in any local area liable to be brought under settlement specified in such notification or order, shall be deemed to have been duly made, and it shall be held that a settlement of revenue was to be, and is being, made in respect of such local area from the date of such notification or order.

W. S.—Reg., No. 488G—3000—1-9-94.

# ACT No. VI of 1894.

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

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*(Received the assent of the Lieutenant-Governor on the 27th August, 1894, and of the Governor General on the 3rd October, 1894.)*

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## An Act to amend Bengal Act IV of 1894.

WHEREAS it is expedient to amend Bengal Act IV of 1894; It is hereby enacted as follows :—

Commencement.

1. This Act shall come into force from the date on which it may be published in the *Calcutta Gazette* with the assent of the Governor General.

Amendment of section 37.

2. In section 37 of Bengal Act IV of 1894, the words "of a railway administration" and the words "or the railway administration" shall be omitted.

*Price six pies.*

Reg. No. 600G—2,000—11-10-94.